

# THE CITY OF NORFOLK



To the Honorable Council  
City of Norfolk, Virginia

January 11, 2022

**From:** George M. Homewood  
Director of Planning

**Subject:** Conditional Use Permit - Dirty  
Buffalo

**Reviewed:**

**Ward/Superward:** 2/7

Patrick Roberts, Deputy City  
Manager

**Approved:**

Dr. Larry H. Filer II, City Manager

**Item Number:** C-1

- I. **Planning Commission Recommendation:** By a vote of **6 to 0**, the Planning Commission recommends **Approval**.
- II. **Request:** This Conditional Use Permit will allow the existing restaurant to modify their floor plans for a maximum occupancy of 225 and reduce the number of arcade games to eight (8). No other changes are proposed, including the hours of operation.
- III. **Applicant:** Dirty Buffalo
- IV. **Description:**
  - In 2016 a Special Exception (Conditional Use Permit) for a Restaurant with Extended Hours and Commercial Recreation Center was granted for The Dirty Buffalo.
  - This request is for a new floor plan that would allow the restaurant's capacity to increase from 184 to 225.
  - The new floor plan also relocates and reduces the number of arcade games (Commercial Recreation Center) from 12 to eight (8).
  - No entertainment is proposed.

	Current The Dirty Buffalo	Proposed The Dirty Buffalo
Hours of Operation and hours for the Sale of Alcoholic Beverages	11:00 a.m. until 2:00 a.m., Seven days a week	Same

Capacity	140 seats indoors 14 seats outdoors 184 total capacity	150 seats indoors 30 seats outdoors 225 total capacity
Arcade game machines	12	8

**V. Historic Resources Impacts:**

The site is not located within a federal, state, or local historic district.

**VI. Public Schools Impacts:**

N/A

*Staff contact: Joy Kelling at (757) 664-4756, [joy.kirch-kelling@norfolk.gov](mailto:joy.kirch-kelling@norfolk.gov)*

**Attachments:**

- Proponents and Opponents
- Staff Report to CPC dated December 16, 2021 with attachments
- Ordinance

**Proponents and Opponents****Proponents**

Russell Gilbert (applicant)  
4012 Colley Ave  
Norfolk VA 23508

Cassandra Prasanna  
815 W 41st Street  
Norfolk VA 23508

**Opponent**

None

**Supporting Material:**

- Ordinance Exhibit A (PDF)
- Ordinance Exhibit B (PDF)
- Conditional Use Permit Review Standards (PDF)
- Overview Map(PDF)
- Location Map (PDF)
- Zoning Map (PDF)
- ABC Map - half mile buffer (PDF)
- ABC Map - 1 mile buffer (PDF)
- Application (PDF)
- Property Owners \_300ft (PDF)
- Email to Highland Park Civic League (PDF)
- Email of support from Civic League (PDF)
- Email from Neighbor Dec 15 (PDF)



## City Planning Commission Public Hearing: December 16, 2021

Executive Secretary: George M. Homewood, FAICP, CFM

A handwritten signature in black ink, appearing to be "G. Homewood".

Staff Planner: Joy Kirch-Kelling

A handwritten signature in black ink, appearing to be "Joy Kirch-Kelling".

Staff Report	Item No. 1	
Address	4012 Colley Avenue	
Applicant	The Dirty Buffalo	
Requests	Conditional Use Permits	a. Restaurant with Extended Hours b. Commercial Recreation Center
Zoning	C-C (Community-Commercial)	
Neighborhood	Highland Park	
Surrounding Area	North	C-C: Wing Soon Oriental Restaurant
	East	SF-T (Single-Family – Traditional): Single-family homes
	South	C-C: Bernstein's Gallery arts supplies
	West	C-C: North Colley Apartments with commercial on the ground floor
Recommendation	Approval with conditions	





#### A. Summary of Request

- The site is located on the southeast corner of Colley Avenue and West 41st Street in the Highland Park neighborhood.
- The request is to modify the floor plans of The Dirty Buffalo to allow for greater occupancy and to relocate the arcade games.
- Given that the proposed changes are minimal, and the restaurant has operated without incident since its opening in 2016, staff recommends **approval**.

#### B. Plan Consistency

The proposed use is consistent with *plaNorfolk2030*, which designates this site as commercial.

#### C. Zoning Analysis

##### i. General

- In 2016 a Special Exception (Conditional Use Permit) for a Restaurant with Extended Hours and Commercial Recreation Center was granted for The Dirty Buffalo.
  - Under C-C zoning, restaurants with extended hours are required to obtain a Conditional Use Permit (CUP).
  - Sites with four or more games of recreation or amusement, including video games, must also obtain a Commercial Recreation Center CUP.
- This new request would allow an increase in capacity by increasing both indoor and outdoor seating.

- In addition, the proposed new floor plan relocates and a reduces the arcade games from 12 to eight.
- No entertainment is proposed.

	Current The Dirty Buffalo	Proposed The Dirty Buffalo
Hours of Operation and hours for the Sale of Alcoholic Beverages	11:00 a.m. until 2:00 a.m., Seven days a week	Same
Capacity	140 seats indoors 14 seats outdoors 184 total capacity	150 seats indoors 30 seats outdoors 225 total capacity
Arcade game machines	12	8

**ii. Parking**

Neither the use nor the size of the building is changing, therefore no additional parking is required.

**iii. Flood Zone**

The site is in the AE (High Risk) flood zone. The applicant is not proposing to spend more than 50 percent of the assessed value of the structure or make any additions, so no modifications are necessary to comply with flood zone requirements.

**D. Historic Resources Impacts**

The site is not located within a federal, state, or local historic district.

**E. Public Schools Impacts**

N/A

**F. Payment of Taxes**

The owner of the property is current on all taxes.

**G. Civic League**

- Notice was sent to the Highland Park Civic League on October 5.
- A letter of support was received from the Highland Park Civic League on October 26.

**H. Communication Outreach/Notification**

- Letters were mailed to all property owners within 300 feet of the property on December 3.
- Legal notification was placed in *The Virginian-Pilot* on December 2 and 9.

**I. Recommendation**

Given that the proposed changes are minimal, and the restaurant has operated without incident since its opening, staff recommends **approval** subject to the conditions listed below:

- I. Restaurant with Extended Hours (principal use)
- II. Commercial Recreation Center (principal use)
  - (a) The operation of the principal use of a Restaurant and a Commercial Recreation Center must be conducted in accordance with the applicable performance standards that are set forth in Section 4.2 of the Norfolk Zoning Ordinance.
  - (b) The revocation, termination, or expiration of any one of the permits granted herein shall constitute grounds for revocation of every other permit granted herein.
  - (c) The business authorized by this Conditional Use Permit shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Conditional Use Permit. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Conditional Use Permit must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
  - (d) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B." Any tables, chairs, booths, stools or other movable furniture may be relocated provided that it conforms with all building code requirements.
  - (e) There shall be no more than eight stand-up arcade video games provided and no other games of recreation or amusement shall be provided unless the total number of games of recreation or amusement does not exceed eight.
  - (f) The hours of operation for the establishment and for the sale of alcoholic beverages shall be from 11:00 a.m. until 2:00 a.m. the following morning,

seven days a week. No use of the establishment outside of the hours of operation listed herein shall be permitted.

- (g) The seating for the establishment shall not exceed 150 seats indoors, 30 seats outdoors, and the total occupant capacity, including employees, shall not exceed 225 people.
- (h) There shall be no entertainment, no dancing, and no dance floor provided.
- (i) No amplified sound shall be permitted in any outdoor area, including the outdoor dining area, after 11:00 p.m. Sunday through Thursday nor after 12:00 midnight on Friday and Saturday.
- (j) No smoking or vaping shall be permitted anywhere in the outdoor seating area. Signage notifying patrons of this restriction shall be conspicuously posted.
- (k) The outdoor seating area shall not obstruct the movement of pedestrians along sidewalks or through areas intended for public use.
- (l) No portion of the outdoor dining area shall be enclosed, and any covering must leave the dining space open on at least three sides and no portion of the outdoor dining area shall be heated or cooled.
- (m) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the conditional use permit so as to keep such areas free of litter, refuse, and both solid and liquid waste.

- (n) If a solid waste receptacle is situated on the site, it shall be positioned along the rear of the building in a location that does not interfere with access to any parking space, impede use of the vehicular drive aisle, or encroach into any required buffer yard or setback. The receptacle shall be surrounded by a six (6) foot tall privacy fence with a locking gate.
- (o) All landscaping installed on the premises shall be maintained in a healthy growing condition at all times and shall be replaced when necessary.
- (p) The establishment shall maintain a current, active business license at all times while in operation.
- (q) The establishment shall remain current on all food and beverage taxes, business personal property taxes, and other local taxes which may become due while it is in operation.
- (r) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- (s) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in writing and its availability shall be made known to patrons by printing it either on the menu or a card placed on each table and the bar.
- (t) The violation of any condition, requirement, or limitation imposed by the Virginia ABC Commission shall be deemed a violation of this ordinance. Any conditional use permit granted by the ordinance may be revoked for any violation of a general or specific condition, including a condition incorporated by reference or arising from conditions, requirements, or limitations imposed on any aspect of the operation of the establishment by the ABC Commission or by Virginia law.

- (u) A copy of this conditional use permit ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this conditional use permit ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.
  
- (v) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:
  - (1) This ordinance;
  - (2) Any ABC license(s);
  - (3) Any occupancy permit(s);
  - (5) All fire code certifications, including alarm and sprinkler inspection records;
  - (6) Any health department permit(s);
  - (7) The emergency action plan required under the Fire Prevention Code;
  - (8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time; and
  - (9) The establishment's designated driver program.
  
- (w) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
  
- (x) A copy of this Conditional Use Permit ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this special exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

**Supporting Material:**

- Ordinance Exhibit A (PDF)
- Ordinance Exhibit B (PDF)
- Conditional Use Permit Review Standards (PDF)
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- Email from Neighbor Dec 15 (PDF)

Form and Correctness Approved: *BAP*

Contents Approved:

By: \_\_\_\_\_  
Office of the City AttorneyBy: \_\_\_\_\_  
DEPT. Planning

NORFOLK, VIRGINIA

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**Ordinance No.**

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO AUTHORIZE THE OPERATION OF A COMMERCIAL RECREATION CENTER AND A RESTAURANT OPERATING WITH EXTENDED HOURS NAMED "DIRTY BUFFALO" ON PROPERTY LOCATED AT 4012 COLLEY AVENUE.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That conditional use permits are hereby granted to The Dirty Buffalo Restaurant, LLC authorizing the operation of the following principal uses and accessory uses:

- (a) Commercial Recreation Center (principal use)
- (b) Restaurant operating with extended hours (principal use)

Section 2:- That the full extent of the property or properties where the permit or permits described above are hereby made effective, upon the date set forth below, is described as follows:

Property fronts 125 feet, more or less, along the eastern line of Colley Avenue and 185 feet, more or less, along the southern line of West 41<sup>st</sup> Street; property also fronts 100 feet, more or less, along the western line of Mayflower Road; premises numbered 4012 Colley Avenue.

Section 3:- That the conditional use permits granted herein shall be subject to all of the general conditions set forth in section 2.4.8.D of the Norfolk Zoning Ordinance and all of the following additional conditions, requirements, and limitations:

- (a) The operation of the principal use of a Restaurant and a Commercial Recreation Center



must be conducted in accordance with the applicable performance standards that are set forth in Section 4.2 of the Norfolk Zoning Ordinance.

- (b) The revocation, termination, or expiration of any one of the permits granted herein shall constitute grounds for revocation of every other permit granted herein.
- (c) The business authorized by this Conditional Use Permit shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Conditional Use Permit. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Conditional Use Permit must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (d) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B." Any tables, chairs, booths, stools or other movable furniture may be relocated provided that it conforms with all building code requirements.
- (e) There shall be no more than eight (8) stand-up arcade video games provided and no other games of recreation or amusement shall be provided unless the total number of games of recreation or amusement does not exceed eight.
- (f) The hours of operation for the establishment and for the sale of alcoholic beverages shall be limited to 11:00 a.m. until 2:00 a.m. the following morning, seven days a week. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (g) The seating for the establishment shall not exceed 150 seats indoors, 30 seats outdoors, and

the total occupant capacity, including employees, shall not exceed 225 people.

- (h) There shall be no entertainment, no dancing, and no dance floor provided.
- (i) No amplified sound shall be permitted in any outdoor area, including the outdoor dining area, after 11:00 p.m. Sunday through Thursday nor after 12:00 midnight on Friday and Saturday.
- (j) No smoking or vaping shall be permitted anywhere in the outdoor seating area. Signage notifying patrons of this restriction shall be conspicuously posted.
- (k) The outdoor seating area shall not obstruct the movement of pedestrians along sidewalks or through areas intended for public use.
- (l) No portion of the outdoor dining area shall be enclosed, and any covering must leave the dining space open on at least three sides and no portion of the outdoor dining area shall be heated or cooled.
- (m) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the conditional use permit so as to keep such areas free of litter, refuse, and both solid and liquid waste.
- (n) If a solid waste receptacle is situated on the site, it shall be positioned along the rear of the building in a location that does not interfere with access to any parking space, impede use of the vehicular drive aisle, or encroach into any required buffer yard or setback. The receptacle shall be surrounded by a six (6) foot tall privacy fence with a locking gate.
- (o) All landscaping installed on the premises shall be maintained in a healthy growing condition at all times and shall be replaced when necessary.

- (p) The establishment shall maintain a current, active business license at all times while in operation.
- (q) The establishment shall remain current on all food and beverage taxes, business personal property taxes, and other local taxes which may become due while it is in operation.
- (r) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- (s) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in writing and its availability shall be made known to patrons by printing it either on the menu or a card placed on each table and the bar.
- (t) The violation of any condition, requirement, or limitation imposed by the Virginia ABC Authority shall be deemed a violation of this ordinance. Any conditional use permit granted by the ordinance may be revoked for any violation of a general or specific condition, including a condition incorporated by reference or arising from conditions, requirements, or limitations imposed on any aspect of the operation of the establishment by the ABC Authority or by Virginia law.
- (u) A copy of this conditional use permit ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this conditional use permit ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.
- (v) A binder or folder containing documentation relating to the operation of the establishment

shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:

- (1) This ordinance;
  - (2) Any ABC license(s);
  - (3) Any occupancy permit(s);
  - (5) All fire code certifications, including alarm and sprinkler inspection records;
  - (6) Any health department permit(s);
  - (7) The emergency action plan required under the Fire Prevention Code;
  - (8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time; and
  - (9) The establishment's designated driver program.
- (w) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (x) A copy of this Conditional Use Permit ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this special exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Section 4:- That the City Council hereby determines that the conditional use permit or permits granted herein comply with each of the standards set forth in section 2.4.8.C of the Norfolk Zoning Ordinance.

Section 5:- That, because the operation of this establishment in the manner proposed in the application requires the grant of more than one conditional use permit, the City Council finds that its operation is only appropriate at the location where it is being authorized when conducted in the manner proposed, as modified by the City Council, and that each permit should be subject to the same conditions, requirements and limitations in order to constrain the operation in a manner that adequately protects public health safety and welfare.

Section 6:- That this ordinance hereby amends the previously granted special exceptions permitting the operation of an eating and drinking establishment, adopted on July 11, 2017 (Ordinance No. 46,895) and on April 12, 2016 (Ordinance No. 46,317), and permitting a commercial recreation center, adopted on April 12, 2016 (Ordinance No. 46,316), on this property. All provisions and conditions previously approved are entirely superseded by the terms of this ordinance.

Section 7:- That this ordinance shall be in effect from the date of its adoption.

**ATTACHMENTS:**

Exhibit A (3 pages)

Exhibit B (1 page)



**EXHIBIT "A"**  
**Description of Operations**  
**Restaurant with Extended Hours of Operation**

Date:

Trade name of business: The Dirty Buffalo Restaurant, LLC

Address of business: 4012-4110 Colley Ave

Name(s) of business owner(s)\*: Russel Gilbert

Name(s) of property owner(s)\*: Russel Gilbert - Gilbert Leasing, LLC

Daytime telephone number (757) 359-0614

\*If business or property owner is partnership, all partners must be listed.

\*If business or property owner is an LLC or Corporation, all principals must be listed.

Proposed Hours of Operation:

Facility

Alcoholic Beverage Sales

Weekday	From: <u>11 AM</u>	To: <u>2 AM</u>	Weekday	From: <u>11 AM</u>	To: <u>2 AM</u>
Friday	From: <u>11 AM</u>	To: <u>2 AM</u>	Friday	From: <u>11 AM</u>	To: <u>2 AM</u>
Saturday	From: <u>11 AM</u>	To: <u>2 AM</u>	Saturday	From: <u>11 AM</u>	To: <u>2 AM</u>
Sunday	From: <u>11 AM</u>	To: <u>2 AM</u>	Sunday	From: <u>11 AM</u>	To: <u>2 AM</u>

2. Type of ABC license applied for (check all applicable boxes):

☒ On-Premises      ☐ Off-Premises (additional application required)

3. Type of alcoholic beverage applied for:

☒ Beer      ☒ Wine      ☒ Mixed Beverage

4. If entertainment be provided, a different application is required.

(Entertainment consists of anything more than one, unamplified musician)

5. Will video games, pool tables, game boards or other types of games be provided?

☒ Yes (If more than 4, additional application required)      ☐ No

5a. If yes, please describe type and number of each game to be provided

8 video games

**DEPARTMENT OF CITY PLANNING**

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July, 2018)

**Restaurant with Extended Hours of Operation**

6. Will patrons ever be charged to enter the establishment?

Yes ☐ ☒ No

6a. If yes, why

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6b. Which days of the week will there be a cover charge (circle all applicable days)?

Monday Tuesday Wednesday Thursday Friday Saturday Sunday

7. Will the facility or a portion of the facility be available for private parties?

☒ Yes ☐ No

7a. If yes, explain

Birthdays, corporate events, social events

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8. Will a third party (promoter) be permitted to lease, let or use the establishment?

Yes ☐ ☒ No

8a. If yes, explain

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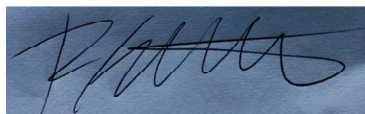
9. Will there ever be a minimum age limit?

Yes ☐ ☒ No

10. Additional comments/ description/operational characteristics or prior experience:

Note: If smoking is permitted, then floor plans must be submitted showing all necessary building requirements for such facility

☒ Signature of Applicant


**DEPARTMENT OF CITY PLANNING**

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July, 2018)

**Exhibit A – Floor Plan(s) Worksheet**  
**Restaurant with Extended Hours of Operation**

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan must be prepared by a registered design professional and include:
  - Tables/seats
  - Restroom facilities
  - Bar
  - Ingress and egress
  - Standing room
  - Outdoor seating
  - Total maximum capacity (including employees)

**TOTAL CAPACITY**

**a. Indoor**

Number of seats (not including bar seats)	<u>120</u>
Number of bar seats	<u>30</u>
Standing room	<u>30</u>

**b. Outdoor**

Number of seats	<u>30</u>
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**c. Number of employees**

15

**Total Occupancy**

**(Indoor/Outdoor seats, standing room and employees) = 225**

**DEPARTMENT OF CITY PLANNING**

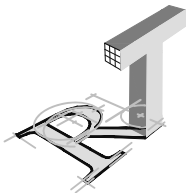
810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July, 2018)





ROBYN THOMAS  
ARCHITECTURE

913 W. 21st Street, Suite C  
Norfolk, VA 23517

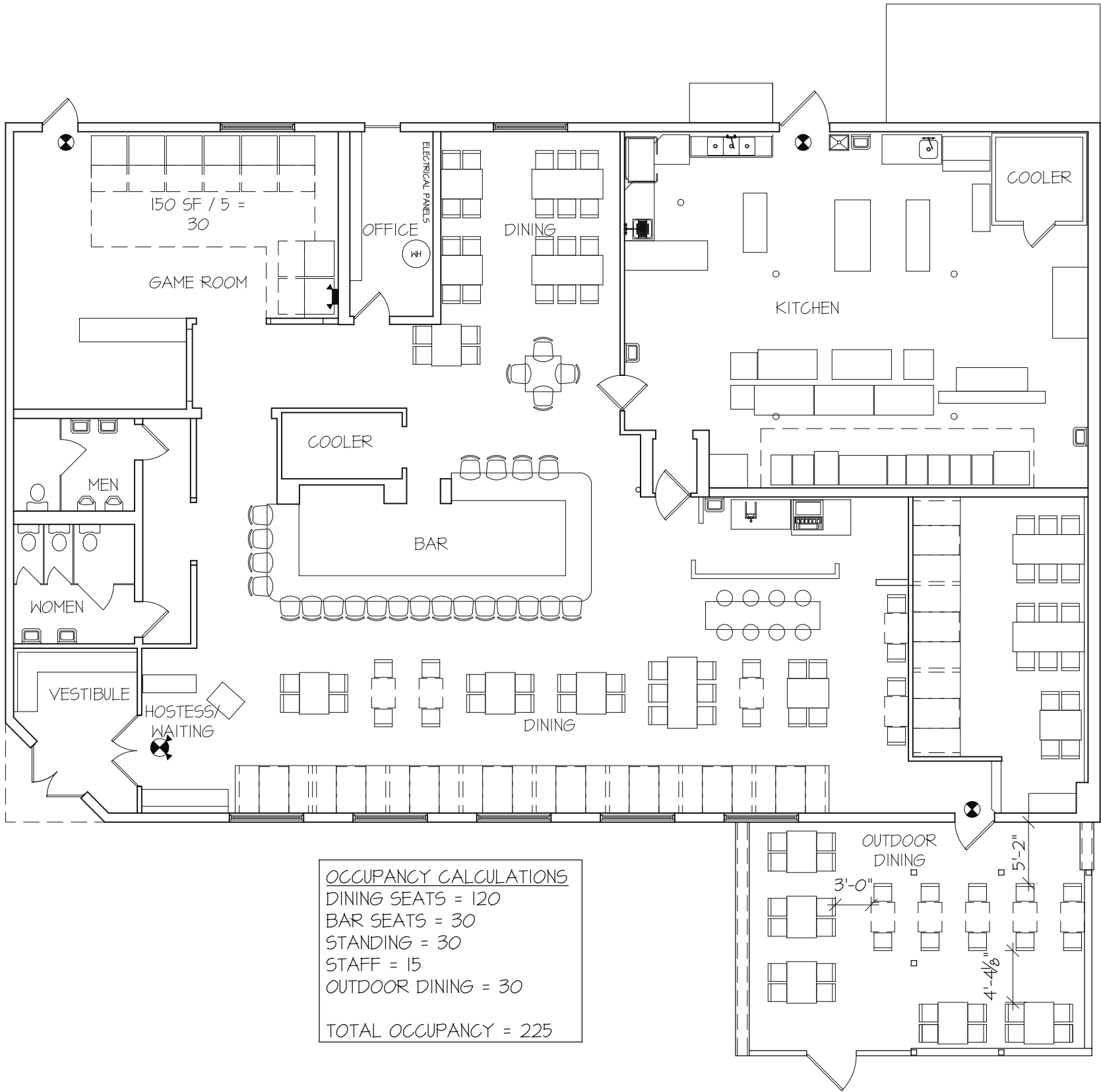
Ofc: 757.622.7100  
Fax: 757.640.1014

THE DIRTY BUFFALO  
4012 COLLEY AVENUE  
NORFOLK, VIRGINIA

REVISIONS

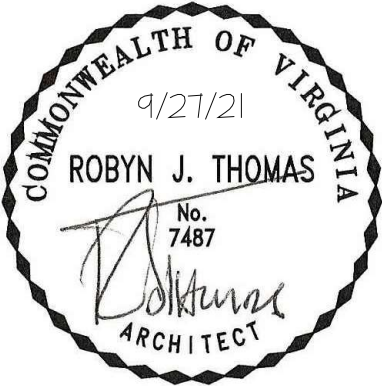
△	DATE	COMMENTS

1 OF 1	AI
6/25/21	
DATE	
21-046	
COMM NO.	
DRAWN	KWG
CHECKED	RJT
21046base.dwg	



OCCUPANCY CALCULATIONS  
DINING SEATS = 120  
BAR SEATS = 30  
STANDING = 30  
STAFF = 15  
OUTDOOR DINING = 30  
TOTAL OCCUPANCY = 225

FLOOR PLAN  
3/32" = 1'-0"



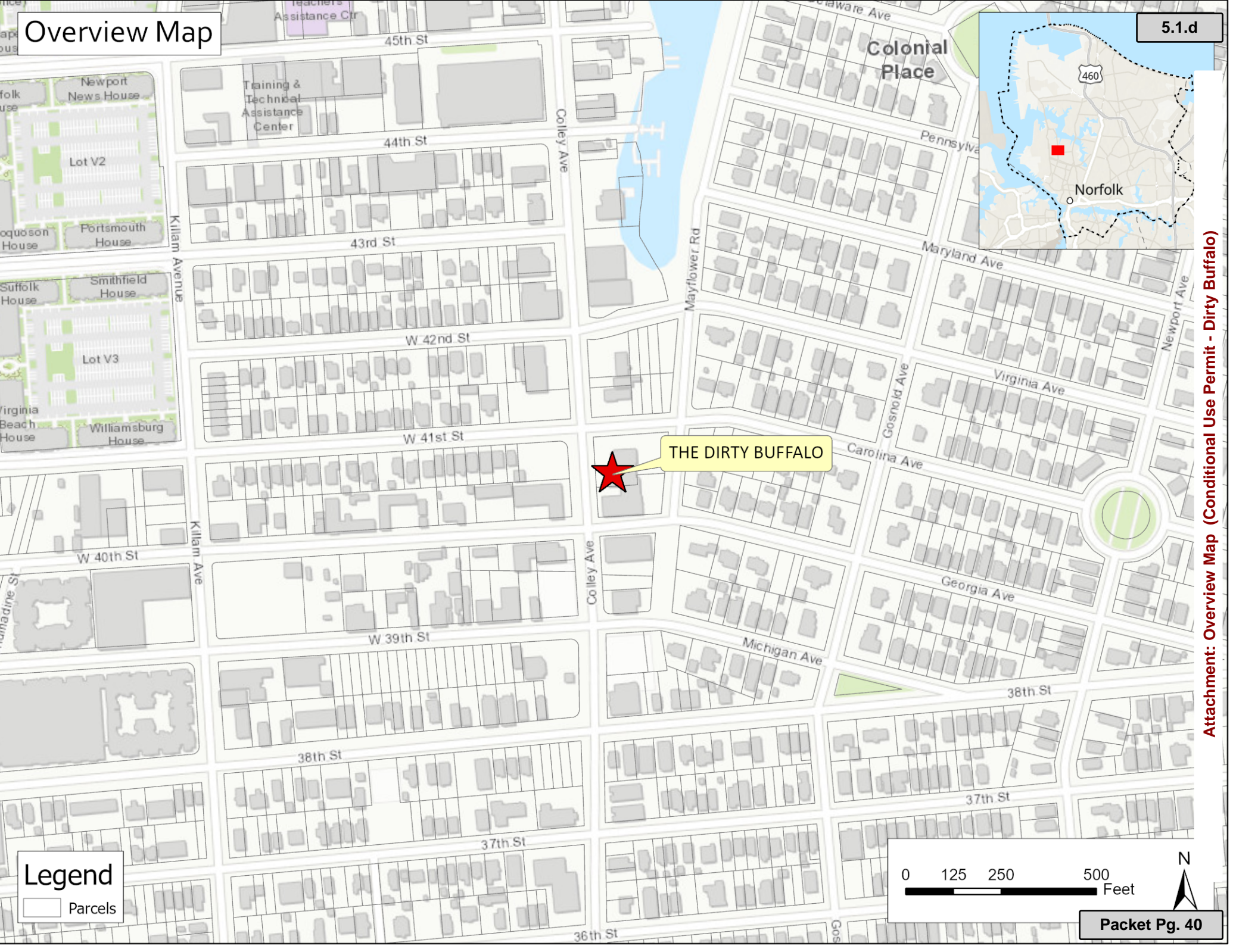
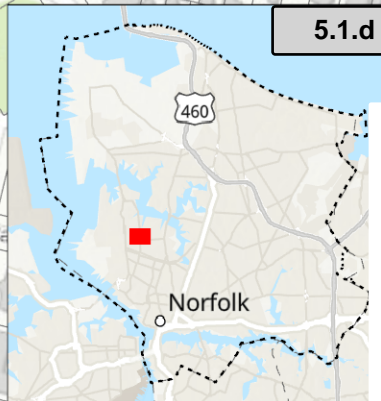
## 2.4.8.C. CONDITIONAL USE PERMIT REVIEW STANDARDS

A Conditional Use Permit may be approved if the applicant demonstrates that the proposed conditional use:

- 1) Is consistent with the purposes, goals and policies of the comprehensive plan and other applicable city-adopted plans;
- 2) Complies with all applicable zoning district-specific standards in Article 3. Zoning Districts;
- 3) Complies with all applicable use-specific standards in Article 4. Performance Standards;
- 4) Complies with all applicable development and design standards in Article 5. Development Standards;
- 5) Complies with all relevant subdivision and infrastructure standards in Chapter 42.5 of City Code;
- 6) Is appropriate for its location and is compatible with the general character of surrounding lands and the types, scale, and intensity of uses allowed in the zoning district where proposed;
- 7) Adequately screens, buffers, or otherwise minimizes adverse visual impacts on adjacent lands;
- 8) Avoids significant adverse odor, noise, glare, and vibration impacts on surrounding lands regarding refuse collection, service delivery, parking and loading, signs, lighting, night-time activity, and other site elements;
- 9) Avoids significant deterioration of water and air resources, scenic resources, and other natural resources;
- 10) Maintains safe and convenient ingress and egress and traffic flow onto and through the site by vehicles and pedestrians, and safe road conditions around the site;
- 11) Is served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- 12) Maintains adequate parking, loading and other necessary facilities to serve the proposed use;
- 13) Will not substantially diminish or impair the value of the land within the neighborhood in which it is located.
- 14) Will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various Conditional Use Permits of all types on the immediate neighborhood and the effect of the proposed type of Conditional Use Permit on the city as a whole;
- 15) Complies with all other relevant city, state and federal laws and standards; and
- 16) Is required by the public necessity, convenience, general welfare, or good zoning practice.

# Overview Map

5.1.d



## Legend

Parcels

0 125 250 500 Feet





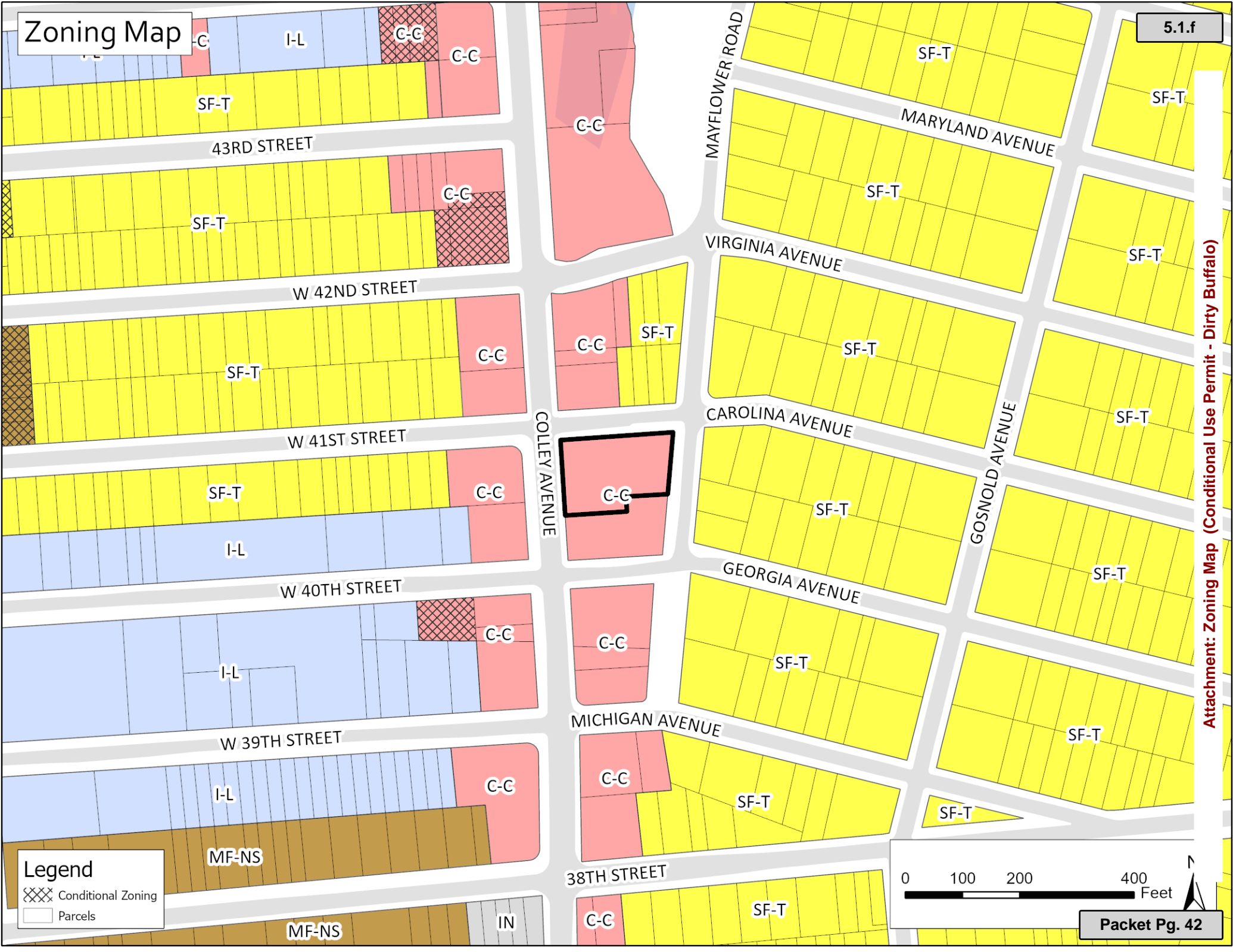
### 5.1.e





# Zoning Map

5.1.f



**Legend**

- Conditional Zoning
- Parcels

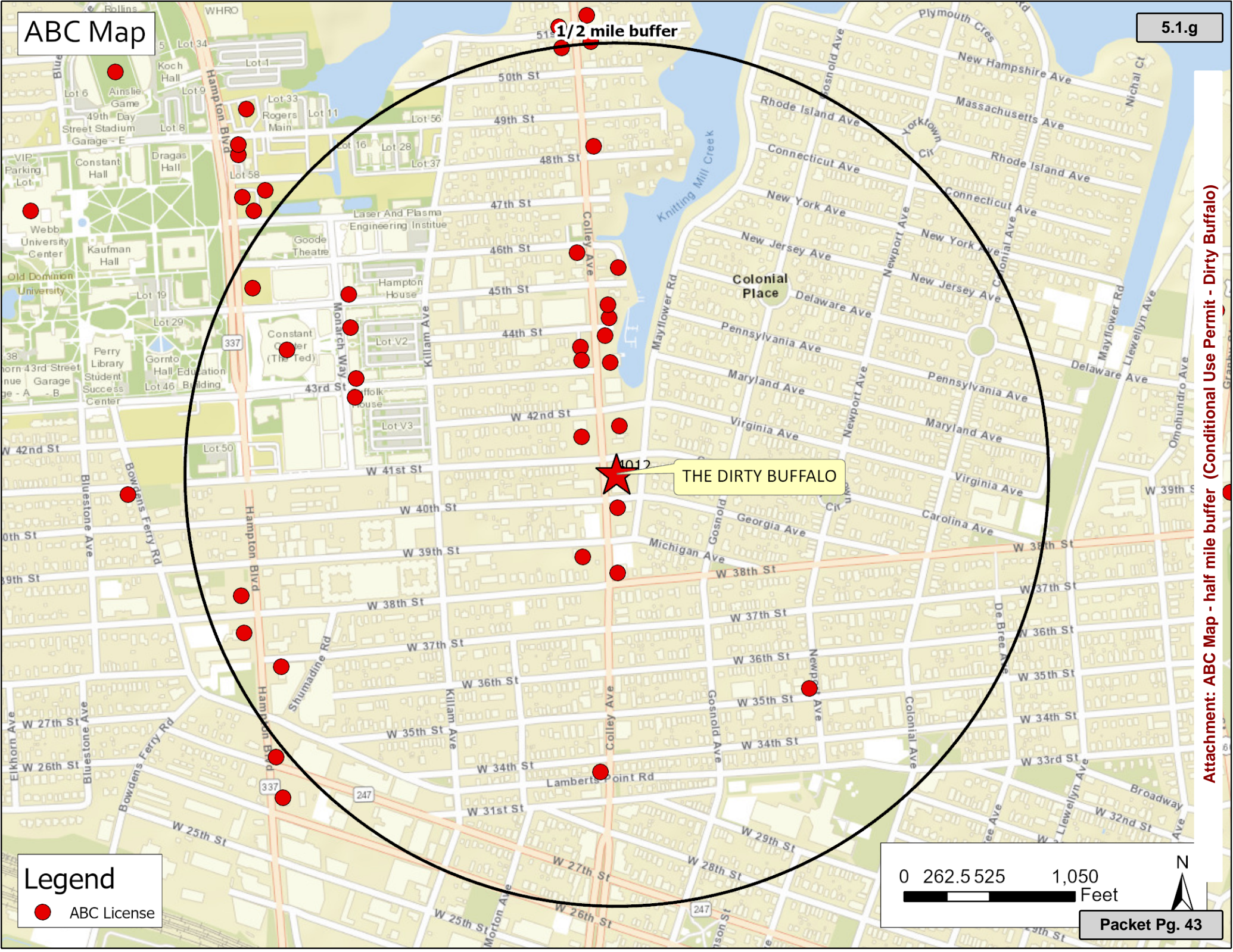
Attachment: Zoning Map (Conditional Use Permit - Dirty Buffalo)



# ABC Map

5.1.g

1 1/2 mile buffer



## Legend

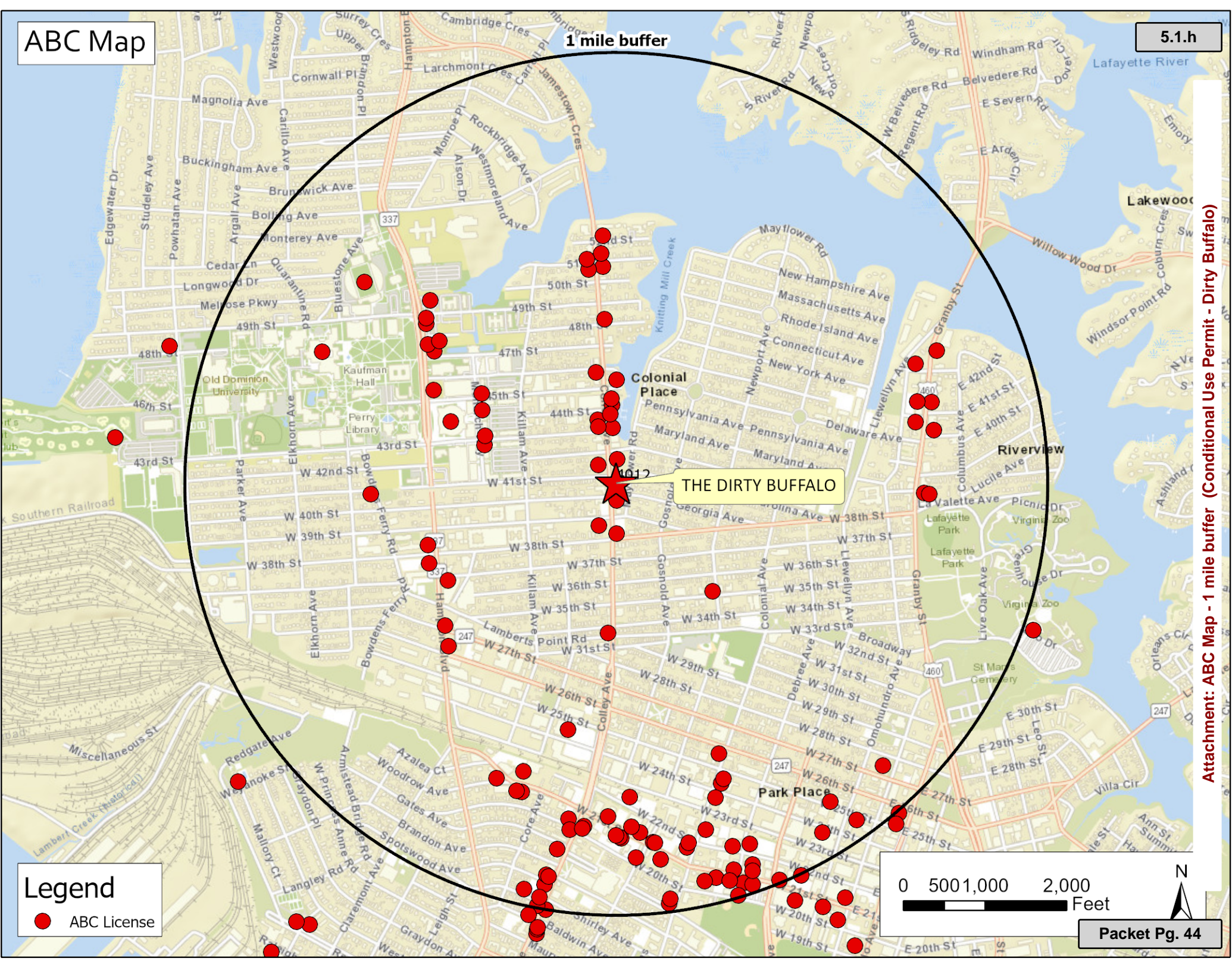
● ABC License

0 262.5 525 1,050 Feet





1 mile buffer



Legend

● ABC License

THE DIRTY BUFFALO

0 500 1,000 2,000 Feet





**Application  
Conditional Use Permit  
Restaurant with Extended Hours of Operation  
(Please print)**

Date 9-16-21

**DESCRIPTION OF PROPERTY**

Address: 4012 Colley Ave

Existing Use of Property: Restaurant (The Dirty Buffalo)

Proposed Use: Restaurant (The Dirty Buffalo)

Current Building Square Footage: \_\_\_\_\_ Proposed Building Square Footage: \_\_\_\_\_

Trade Name of Business (if applicable): The Dirty Buffalo

**APPLICANT\***

1. Name of applicant: (Last) Gilbert (First) Russell (MI) \_\_\_\_\_

Mailing address of applicant (Street/P.O. Box): 4012 Colley Ave

(City): Norfolk (State): VA (Zip Code): 23508

Daytime telephone number of applicant: (757) 359-0614

E-mail address: rgilbert@thedirtybuffalo.com

**AUTHORIZED AGENT\* (if applicable)**

2. Name of applicant: (Last) Thomas (First) Robyn (MI) \_\_\_\_\_

Mailing address of applicant (Street/P.O. Box): 913 W 21st Street Suite C

(City): Norfolk (State): VA (Zip Code): 23517

Daytime telephone number of applicant: (757) 343-9567 Fax ( ) \_\_\_\_\_

E-mail address: Rthomas@robynthomasarchitect.com



**PROPERTY OWNER\***

3. Name of property owner: (Last) Gilbert (First) Stephanie N, & Russell (MI) \_\_\_\_\_

Mailing address of property owner (Street/P.O. box): 409 Yarmouth St

(City): Norfolk (State): VA (Zip Code): 23510

Daytime telephone number of owner: (757) 359-0614

E-mail address: rgilbert@thedirtybuffalo.com

**\*(If applicant/agent/property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)**

**CIVIC LEAGUE - BUSINESS ASSOCIATION - HOA INFORMATION**

Civic League contact: Highland Park Civic League

Date meeting attended/held: Emailed to Dale Ryder

Local Business Association (if applicable) contact: \_\_\_\_\_

Date meeting attended/held: \_\_\_\_\_

Home/Property/Condominium Owners Association (if applicable) contact: \_\_\_\_\_

Date meeting attended/held: \_\_\_\_\_

Ward/Super Ward information: \_\_\_\_\_

**CERTIFICATION**

**I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:**

X Print name: Russel Gilbert Sign:  9-27-21  
(Property Owner)

X Print name: Russel Gilbert Sign:  9-27-21  
(Applicant) (Date)

(If Applicable)

Print name: \_\_\_\_\_ Sign: \_\_\_\_\_  
(Authorized Agent Signature) (Date)



**EXHIBIT "A"**  
**Description of Operations**  
**Restaurant with Extended Hours of Operation**

Date:

Trade name of business: The Dirty Buffalo Restaurant, LLC

Address of business: 4012-4110 Colley Ave

Name(s) of business owner(s)\*: Russel Gilbert

Name(s) of property owner(s)\*: Russel Gilbert - Gilbert Leasing, LLC

Daytime telephone number (757) 359-0614

\*If business or property owner is partnership, all partners must be listed.

\*If business or property owner is an LLC or Corporation, all principals must be listed.

Proposed Hours of Operation:

Facility

Alcoholic Beverage Sales

Weekday	From: <u>11 AM</u>	To: <u>2 AM</u>	Weekday	From: <u>11 AM</u>	To: <u>2 AM</u>
Friday	From: <u>11 AM</u>	To: <u>2 AM</u>	Friday	From: <u>11 AM</u>	To: <u>2 AM</u>
Saturday	From: <u>11 AM</u>	To: <u>2 AM</u>	Saturday	From: <u>11 AM</u>	To: <u>2 AM</u>
Sunday	From: <u>11 AM</u>	To: <u>2 AM</u>	Sunday	From: <u>11 AM</u>	To: <u>2 AM</u>

2. Type of ABC license applied for (check all applicable boxes):

☒ On-Premises      ☐ Off-Premises (additional application required)

3. Type of alcoholic beverage applied for:

☒ Beer      ☒ Wine      ☒ Mixed Beverage

4. If entertainment be provided, a different application is required.

(Entertainment consists of anything more than one, unamplified musician)

5. Will video games, pool tables, game boards or other types of games be provided?

☒ Yes (If more than 4, additional application required)      No

5a. If yes, please describe type and number of each game to be provided  
8 video games

**Restaurant with Extended Hours of Operation**

6. Will patrons ever be charged to enter the establishment?

Yes ☐ ☒ No

6a. If yes, why

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6b. Which days of the week will there be a cover charge (circle all applicable days)?

Monday Tuesday Wednesday Thursday Friday Saturday Sunday

7. Will the facility or a portion of the facility be available for private parties?

☒ Yes ☐ No

7a. If yes, explain

Birthdays, corporate events, social events

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8. Will a third party (promoter) be permitted to lease, let or use the establishment?

Yes ☐ ☒ No

8a. If yes, explain

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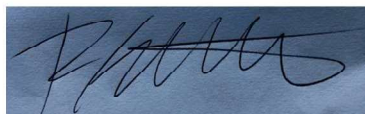
9. Will there ever be a minimum age limit?

Yes ☐ ☒ No

10. Additional comments/ description/operational characteristics or prior experience:

Note: If smoking is permitted, then floor plans must be submitted showing all necessary building requirements for such facility

☒ Signature of Applicant



**DEPARTMENT OF CITY PLANNING**

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July, 2018)

**Exhibit A – Floor Plan(s) Worksheet**  
**Restaurant with Extended Hours of Operation**

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan must be prepared by a registered design professional and include:
  - Tables/seats
  - Restroom facilities
  - Bar
  - Ingress and egress
  - Standing room
  - Outdoor seating
  - Total maximum capacity (including employees)

**TOTAL CAPACITY**

**a. Indoor**

Number of seats (not including bar seats)	<u>120</u>
Number of bar seats	<u>30</u>
Standing room	<u>30</u>

**b. Outdoor**

Number of seats	<u>30</u>
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**c. Number of employees**

15

**Total Occupancy**

**(Indoor/Outdoor seats, standing room and employees) = 225**

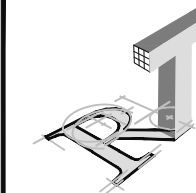
**DEPARTMENT OF CITY PLANNING**

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July, 2018)



ROBYN THOMAS  
ARCHITECTURE

913 W. 21st Street, Suite C  
Norfolk, VA 23517

Ofc: 757.622.7100  
Fax: 757.640.1014

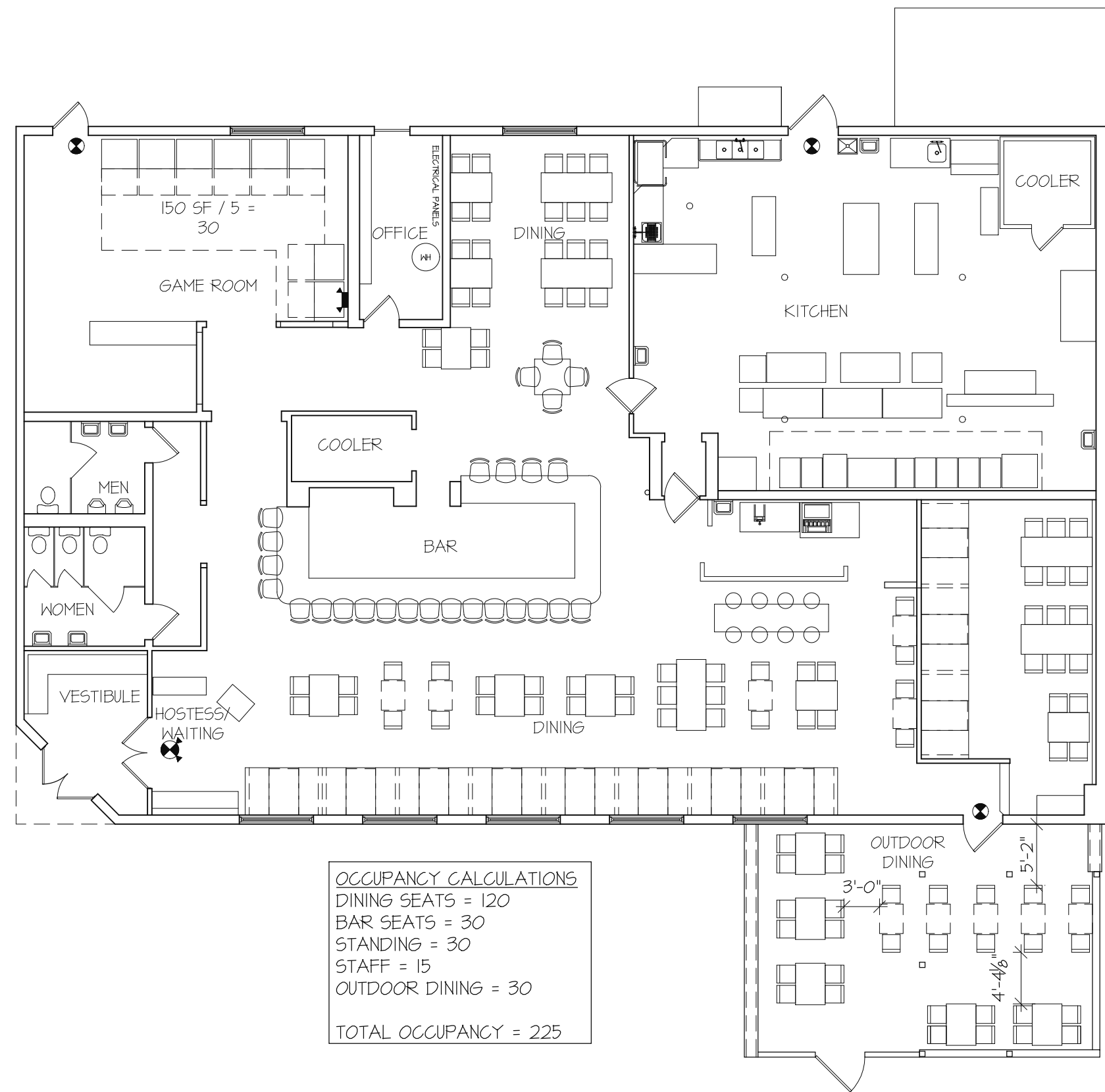
THE DIRTY BUFFALO  
4012 COLLEY AVENUE  
NORFOLK, VIRGINIA

Attachment: Application (Conditional Use Permit - Dirty Buffalo)

REVISIONS

△	DATE	COMMENTS

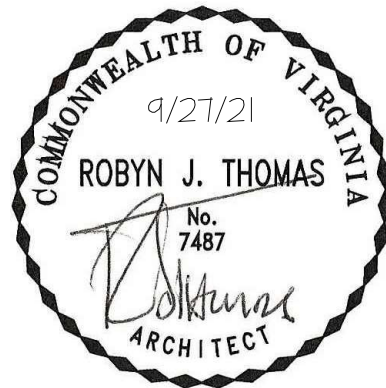
1 OF 1	AI
6/25/21	
DATE	
21-046	
COMM NO.	
DRAWN	KWG
CHECKED	RJT
21046base.dwg	

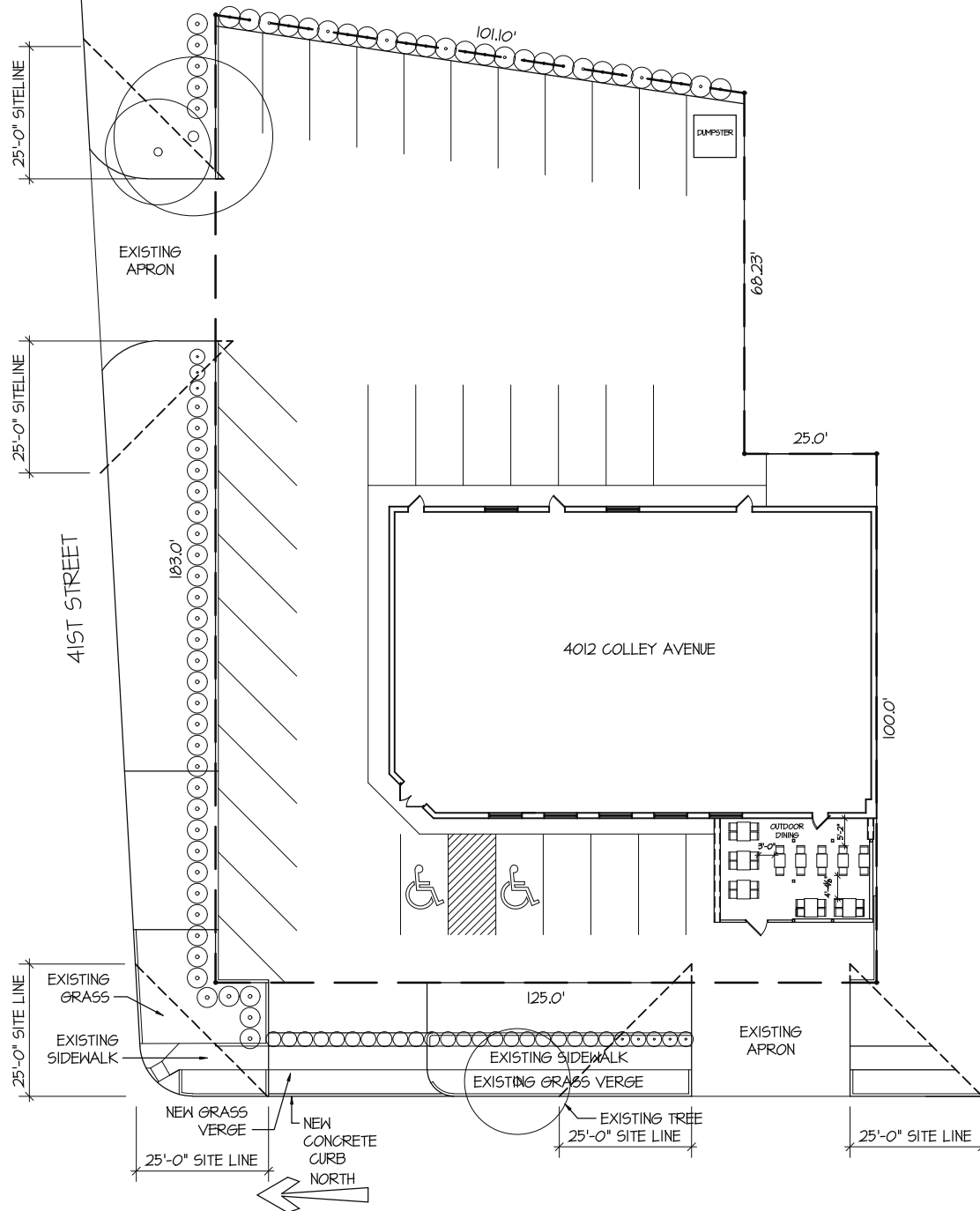


OCCUPANCY CALCULATIONS  
DINING SEATS = 120  
BAR SEATS = 30  
STANDING = 30  
STAFF = 15  
OUTDOOR DINING = 30  
TOTAL OCCUPANCY = 225

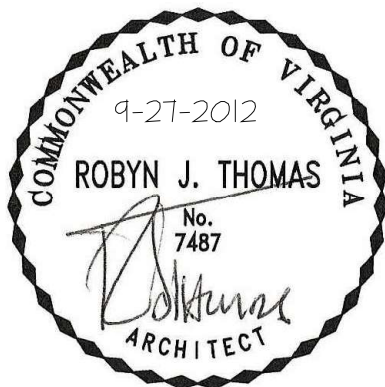
FLOOR PLAN

3/32" = 1'-0"





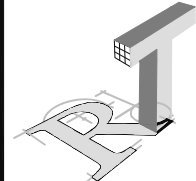
Attachment: Application (Conditional Use Permit - Dirty Buffalo)



COLLEY AVENUE

ARCHITECTURAL SITE PLAN: 4012 COLLEY AVE, NORFOLK, VA

1" = 30'-0"



**ROBYN THOMAS  
ARCHITECTURE**

913 W. 21st Street, Suite C  
Norfolk, VA 23517

Ofc: 757.622.7100  
Fax: 757.640.1014

Mccue, Matthew J  
733 Carolina Ave  
Norfolk VA 23508-2930

Fornes, Patrick L & Mandi  
729 Carolina Ave  
Norfolk VA 23508-2930

Colley Associates, Llp  
1024 Wippingham Pkwy  
Carrollton VA 23314-3309

Madden, Byron E Jr  
711 10th St  
Virginia Beach VA 23451-4524

Burgess Living Trust  
1048 Backwoods Rd  
Virginia Beach VA 23455-6638

Wagner, Jamie R  
3146 Green Holly Cres  
Virginia Beach VA 23452

Berstein, Morton P  
4000 Colley Ave Ste 100  
Norfolk VA 23508-2602

Forkids Inc  
Po Box 6044  
Norfolk VA 23508

Haven Family Center, The  
Po Box 6044  
Norfolk VA 23508

Brown, Esaias  
730 Carolina Ave  
Norfolk VA 23508-2931

Wagner, Christopher B & Mary L Huntley  
4000 Mayflower Rd  
Norfolk VA 23508-2921

Noco Properties, Llc  
5310 Edgewater Dr  
Norfolk VA 2358-1324

Colley Associates  
213 62nd St  
Virginia Beach VA 23451-2120

Colley Associates  
1024 Whippingham Pkwy  
Carrollton VA 23314

Miller, Kassandra  
815 W 41st St  
Norfolk VA 23508-2517

4013 Colley, Llc  
1446 Church St Ste B  
Norfolk VA 23504-2448

Miller, William S Iii & Georgina R  
5310 Edgewater Dr  
Norfolk VA 23508-1324

Everett, Jean A Et Als  
732 Carolina Ave  
Norfolk VA 23508-2931

A & A Associates  
4701 Columbus St Ste 300  
Virginia Beach VA 23462-6725

A & A Associates  
4701 Columbus St Ste 300  
Virginia Beach VA 23462-6725

A & A Associates  
4701 Columbus St Ste 300  
Virginia Beach VA 23462-6725

A & A Associates  
4701 Columbus St Ste 300  
Virginia Beach VA 23462-6725

Off Boulevard Llc  
109 E Main St Ste 200  
Norfolk VA 23510-1647

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Off Boulevard Llc  
109 E Main St Ste 200  
Norfolk VA 23510-1647

A & A Associates  
4701 Columbus St Ste 300  
Virginia Beach VA 23462-6725

A & A Associates  
4701 Columbus St Ste 300  
Virginia Beach VA 23462-6725

Czar Corp Ii, The  
3910 Colley Ave  
Norfolk VA 23508-2627

Czar Corp Ii, The  
3910 Colley Ave  
Norfolk VA 23508-2627

4006 Mayflower Llc  
9573 25th Bay St  
Norfolk VA 23508-2921

Gainey, Randy R Et Al  
726 Georgia Ave  
Norfolk VA 23508-2914

Haugh, Jacob A  
725 Georgia Ave  
Norfolk VA 23508-2913

Off Boulevard Llc  
109 E Main St Ste 200  
Norfolk VA 23510-1647

Colley Associates, Llp  
1024 Wippingham Pkwy  
Carrolton VA 23314-3309

Gilbert Leasing, Llc  
409 Yarmouth St  
Norfolk VA 23510-1425

Boyd, Dennis W  
800 Longstreet Ln  
Suffolk VA 23437

Britton, Andrea J  
726 Carolina Ave  
Norfolk VA 23508-2931

Habib, Shahida & Ameet I  
720 Georgia Ave  
Norfolk VA 23508-2914

Boyd, Dennis W  
4003 Colley Ave  
Norfolk VA 23508-2601

Miller, William S Iii & Georgina R  
5310 Edgewater Dr  
Norfolk VA 23508-1324

Noco Properties, Llc  
5310 Edgewater Dr  
Norfolk VA 23508-1324

Pph, Llc  
Po Box 3768  
Norfolk VA 23514-3768

Haque, Ehteshamul Et Al  
1443 N Veaux Loop  
Norfolk VA 23509-1259

Haque, Ehteshamul Et Al  
1443 N Veaux Loop  
Norfolk VA 23509-1259

Jafri, Syed J A & S Ghazala S  
808 48th St  
Norfolk VA 23508-2000



Williams, Sherri

---

From: Williams, Sherri  
 Sent: Tuesday, October 5, 2021 12:21 PM  
 To: Bland, Raven K; Doyle, Courtney; Royster, Danica; highlandpark\_cl@yahoo.com  
 Cc: Kirch-Kelling, Joy M  
 Subject: New Planning Commission Items-4012 Colley Avenue  
 Attachments: Dirty Buffalo Application.pdf

Attached please find the following information tentatively scheduled to be heard at the November 18, 2021 Planning Commission public hearing:

**DIRTY BUFFALO**, for the following Conditional Use Permit at 4012 Colley Avenue:

- a. Restaurant with Extended Hours of Operation.
- b. Commercial Recreation Center.

The purpose of this request is to allow the restaurant to operate until 2:00 a.m.

*Staff contact: Joy Kirch-Kelling at (757) 664-4756, [joy.kirch-kelling@norfolk.gov](mailto:joy.kirch-kelling@norfolk.gov)*

Thank You

Sherri Williams  
 City Planner I – City Clerk



Planning Department  
 810 Union Street | Suite 508  
 Norfolk, VA 23510  
 (757) 664-6771 office | (757) 618-5720 cell

Connect with us:

[www.norfolk.gov](http://www.norfolk.gov)



Attachment: Email to Highland Park Civic League (Conditional Use Permit - Dirty Buffalo)

Williams, Sherri

---

From: ryderd@verizon.net  
 Sent: Tuesday, October 26, 2021 11:16 AM  
 To: rthomas@robynthomasarchitect.com  
 Cc: highlandpark\_cl@yahoo.com; Pollock, Susan; rgilbert@thedirtybuffalo.com  
 Subject: Re: 2021-09-27 Updated 4012 Colley Ave - Dirty Buffalo Application.pdf

\*\*\* This is an EXTERNAL email. Please exercise caution. \*\*\*

---

Robyn,  
 The Highland Park Civic League has reviewed this application and we have no objections to the application as presented.

Thank you,  
 Dale Ryder

-----Original Message-----

From: Robyn Thomas <rthomas@robynthomasarchitect.com>  
 To: ryderd@verizon.net  
 Sent: Tue, Sep 28, 2021 9:11 am  
 Subject: 2021-09-27 Updated 4012 Colley Ave - Dirty Buffalo Application.pdf

Good morning Dale

Here is the application for The Dirty Buffalo.

All is the same except the occupancy has increased from 184 to 225 persons. The outdoor dining has gone from 14 to 30.  
 Please call with questions/comments.

Thanks so much

Robyn  
 757-343-9567

Sent from my iPhone

Attachment: Email of support from Civic League (Conditional Use Permit - Dirty Buffalo)

Kirch-Kelling, Joy M

---

From: LAWRENCE FLEDER <lakebarb4@aol.com>  
Sent: Tuesday, December 14, 2021 5:39 PM  
To: Kirch-Kelling, Joy M  
Cc: jcaplan.jcf@gmail.com; stephenrcaplan@gmail.com  
Subject: Dirty Buffalo at 4012 Colley Avenue, Norfolk

\*\*\* This is an EXTERNAL email. Please exercise caution. \*\*\*

---

Dear Ms. Kirch-Kelling and Mr. Homewood:

We are in receipt of your notice of Public Hearing to be held on December 16, 2021 in connection with the above application.

We have found Dirty Buffalo to be an excellent restaurant operator and neighbor. However, we want to be sure that the City of Norfolk puts in place the appropriate controls to be sure that recreation center activity before and after midnight does not become unruly or unsafe.

Thank you.

Lawrence E. Fleder of  
A & A Associates, L.L.P.  
4701 Columbus Street, Suite 300, Virginia Beach, VA 23462  
757-623-1062 ext 213,  
Lakebarb4@aol.com

Attachment: Email from Neighbor Dec 15 (Conditional Use Permit - Dirty Buffalo)